DOCUMENT RESUME

ED 343 169 CS 507 744

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TITLE The American Debate Association: An Evaluation of Rules for Academic Debate.
PUB DATE Oct 91
NOTE 12p.; Paper presented at the Annual Meeting of the Speech Communication Association (77th, Atlanta, GA, October 31-November 3, 1991).
PUB TYPE Reports - Evaluative/Feasibility (142) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Administrative Principles; College Students; *Debate; Higher Education; *Judges; *Persuasive Discourse; *Public Speaking
IDENTIFIERS *American Debate Association; *Debate Tournaments

ABSTRACT

Many of the American Debate Association (ADA) rules merely codify conventions which are almost universally practiced in ADA tournaments. Among them are such standards as who is eligible to debate and judge, what shall be debated and for how long, and restrictions on ballot submissions. Other rules come under the general heading of "which speech" rules that codify conventions for specific kinds of arguments. There are two content-based rules, one designating topicality as a voting issue, the other restricting counterargument to one non-topical counterplan. Three rules distinguish ADA tournaments from other debates. One requires the random assignment of judges to debate rounds. A second rule bars judges from revealing decisions until preliminary rounds conclude. To emphasize the oral nature of debate, a third rule limits judges' ability to read materials upon which arguments are based. Policy debate has decreased drastically in recent years. ADA debate has been successful because of its consensus on rules. In reviewing its rulemaking, the ADA should accept Learned Hand's argument for judicial review in a constitutional system: that it is "proper to engraft upon the text such provisions as are necessary to prevent the failure of the undertaking." (One attachment containing standing rules of tournament procedure is appended.) (SG)

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THE AMERICAN DEBATE ASSOCIATION: AN EVALUATION OF RULES FOR ACADEMIC DEBATE

a paper prepared for presentation at the 1991 Convention
of the Speech Communication Association
Atlanta, Georgia, October 31-November 3, 1991

by
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The American Debate Association was formed in 1985 by several policy debate program directors from the Middle Atlantic states, the areas known as NDT District VII. Its purpose, in the words of one of its founders, Warren Decker, was "to foster the growth of 'reasonable' policy debate. Decline seemed to characterize participation rates at most policy debate tournaments during the 1980's. ... The reasons most often cited related to excesses in certain types of behaviors exhibited by debaters and judges...The ADA then set about to re-establish control over the activity...with the goal of diminishing the excesses. A decision was made to concentrate upon behaviors which could be uniformly curtailed to preserve fairness. Eventually, a set of rules were adopted which were designed to curb those excesses."[1] These "ADA Rules" have been revised and reprinted annually, but their principal provisions remain essentially unchanged.[2]

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Last August, at the 7th Alta Conference, I presented a paper which, in part, analyzed these rules and the effect they have had on policy debate. Some of the ADA's founders have been kind enough to read that paper and provide some comments on it. My purpose today is to review my analysis of the ADA rules -- a summary is attached to this paper -- and to share with you their reaction to it as well as my own conclusion about the role of rules in policy debate.

Many of the ADA rules merely codify conventions which are almost universally practiced in our tournaments. These include those determining who shall be eligible to debate and to judge; what shall be debated and for how long; the form in which decision shall be rendered; criteria for determining who shall debate whom; qualification for elimination rounds and awards. They also govern such subsidiary issues as the definition of eligibility for separate division of competition; establishment of tournament schedules, the length, order and number of speeches and other events within each round; provision for forfeiture by any team not ready to proceed; a common ballot and a requirement for its timely submission.

A number of other provisions come under the general heading of "which speech" rules. For the most part they also codify existing conventions -- e.g., case in the first affirmative, counterplan in the first negative, now new arguments in rebuttal. Still others can be grouped as mandating decorum and courtesy. Debaters "should speak comprehensibly and intelligibly" and debaters and judges alike should "refrain from the use of profanity." Prompting, "cross-talk" and in-round coaching is prohibited. "Only the person speaking, asking a question in cross-ex, or answering a question in cross-ex should be talking." The debaters may not "receive, assistance, suggestions, or coaching from anyone while the round is in progress."

There are two content based rules. One provides that topicality is "a voting issue," but does not designate any criteria to be applied in determining the issue. Another restricts the negative to "one counterplan" and requires that it be "non-topical."

The Rules adopt the American Forensic Association Code of Standards with respect to the full citation of evidence and require that the information be given "orally...the first time the evidence is presented."

All of these rules, it seems to me -- with the possible exception of the mandate that counterplans be non-topical -- could be adopted by any policy debate tournament without any significant change in its practices or its outcome.

There are, however, three rules which do "make a difference" between those tournaments which are and are not administered under ADA standards. The first requires that "[j]udges will be assigned to debate rounds by using a 'random' method of judge placement." Another provides that "[j]udges should not reveal decision to debaters or other coaches until the end of the prelims. "The third, and perhaps the most controversial provides that:

> "The judge may not read any material introduced into the round at the conclusion of the round unless one team has charged that evidence used by its opponent was fabricated, distorted, or misrepresented or the judge believes that evidence read or referred to in the ZAR was misrepresented in that speech."

There is, I think, some ambivalence about the "no reveal" rule. The Rules recognize the educational value of oral critiques and encourage them so long as they are not "inconsistent" with the prohibition against revealing the decision.

The problem, of course, is that it's difficult to critique a round without revealing its outcome. More importantly, in my experience, the debaters listen carefully for every nuance -- not to learn how to improve their skills but for a hint as to how the ballot went.

On the other hand, the rule arguably reduces stress and it certainly reduces tournament time. We are all familiar with those situations, especially involving judges only a few years removed from competition, in which the after-round critique becomes a second debate between the judge and the loosing team. If, contrary to the pleas of the tournament director, the white copy hasn't been turned in before the second debate begins, the whole tournament can be delayed.

I do not believe, however, that there is any ambivalence within the ADA about the rule mandating the "random assignment" of judges. In their response to my previous paper, two of the ADA's founders, Phillip Warken of the U.S. Naval Academy and Bro. Edward Grinder, O.S.B. of St. Vincent College, have argued that it is the keystone of the reforms these rules were enacted to achieve. As I understand it, their argument in support of the rule is threefold. First, debaters ought to be required to adapt to a variety of critics.

Second, the usual alternative is a "mutual preference" system, which not only discourages adaptation but, in effect, allows debaters to exclude themselves from 2/3 of the judging pool. Third, the "non-preferred" judges will hear fewer rounds, thus be a disadvantage in coaching their own teams and, ultimately, feel unwanted and leave the activity.

A number of tournaments -- including the 1990 ADA National Tournament -- have interpreted the rule to allow a specified number of "strikes." This interpretation seems to make sense. In the "real world," litigants can strike a specified number of jurors and political candidates involved in a televised debate have some limited veto over proposed questioners. It's difficult to understand why our debaters shouldn't have a similar opportunity.

The third provision which makes the ADA "significantly different" is the "no read" rule. It is intended to enforce the found premise of the ADA that, as stated in its Constitution, "debate is an oral communicative activity." Its premise is that reading evidence after the round encourages incomprehensible delivery and makes it likely that decision will be based more on the judges's interpretation of the evidence than the presentation made by the debaters. Efforts to dilute the rule have been overwhelmingly defeated at two successive annual meetings and it seems to be firmly established at the core of ADA practice.

A recent issue of Argumentation and Advocacy[3] contained two articles on "The Future of Policy Debating in American Colleges and Universities," by our colleagues George Ziegelmueller and Bill Henderson. Included in the latter are two illustrations, which are maps of the United States with "dots" representing the location of policy debate tournaments in the academic years 1973-74 and 1988-89.[4] It is impossible to imagine any more arresting evidence of the decline in the activity over the past fifteen years. Not only is there a drastic decrease in the number of dots on the second map, the few that remain are pretty clearly concentrated in three of the eight functioning NDT districts. And the plurality of these are located within District VII, the home and, until very recently, the exclusive venue of the ADA.

In the immediately preceding article, Dr. Ziegelmueller gives a "retrospective and prospective view" of policy debate, and concludes: "The ADA has been successful in promoting policy debate not only because of its consensus on certain rules for the activity, but also because its members believe that they have a superior product. Other policy debate coaches need to follow the example of their ADA peers and become more fully committed in word and deed to the education worth of what they do."[5]

In his final comment on my Aita paper, ADA President John Morello, who is also Director of Debate at Mary Washington College, observed that it "open[ed] up a whole new line of argument which the paper needs to address more fully: the education viability of the debate activity...and the role of rules in fostering sound education practices in debate." I think he is right about that. And I hope this paper begins to break some of the ground for that argument.

It seems clear that the ADA's six year experiment with specific and enforceable rules has worked, at least in the short term. While policy debate continues to the atrophy nationwide, it seems alive and well in District VII.

In his 1958 Godkin lectures at Harvard on the "Bill of Rights," Judge Learned Hand justified the imposition of judicial review on a constitutional system which did not provide for it by observing that "it has always been though proper to engraft upon the text such provisions as are necessary to prevent the failure of the undertaking."[6]

That, it seems to me, is advice well worth taking by those of us acutely aware of the crisis in which policy debate finds itself today.

FOOTNOTES

1. Extensions, the newsletter of the American Debate Association, Vol. V, No. 2, February, 1990, p. 1.

2. A summary of changes made at the annual meeting of May 17, 1991 appeared in Extensions, Vol. VI, No. 3, June, 1991, p. 1. A copy of the revised rules can be obtained by writing Bro. Edward Grinder, O.S.B., Director of Debate, St. Vincent College, Latrobe, Pennsylvania 15650.

3. The Journal of the American Forensic Association, Vol. 27, No. 1, Summer, 1990.

4. Ibid., at 33.

5. Ibid., at 30.

6. Hand, Learned, The Bill of Rights, 1958, p. 29.

Attachment "A"

Summary of

THE ADA STANDING RULES OF TOURNAMENT PROCEDURE

The "ADA Rules" can be grouped under five headings: those governing the conduct of a debate, tournament administration and eligibility, establishing an enforcement mechanism and providing criteria for sweepstakes awards.

Rules Governing Conduct of a Debate. The annual topic designated by the Committee on Intercollegiate Discussion and Debate shall be used at all tournaments. (I.3) Debates shall follow a common format as to order and length of speeches and "prep time." (I.1,2)[6] Debaters should speak "comprehensibly and intelligibly," refrain from "shouting or yelling," and stop talking when their time expires. (I.13,14) "Prompting" and "cross-talk" are prohibited. "Only the person speaking, asking [or answering] a question in cross-ex ... should be talking." (I.11) Debaters "should refrain from the use of profanity during debates." (I.12)

The first affirmative speaker must "present a complete case which includes a plan of action and a rationale justifying that plan." (I.4) There may be "only one plan," which "cannot be changed, altered or amended in any way during the debate." (I.5) Likewise, the negative may present "only one counterplan"; it must be presented in the first negative constructive and "cannot be changed, altered or amended." It may be "withdrawn." It "must be non-topical [and] competitive (i.e. offering a non-artificial reason to reject the affirmative plan." If it is "conditional," the negative "shall have the burden "to prove that other arguments it presents do not contradict the counterplan." (I.6)

Topicality is "a voting issue. If the negative raises topicality as an issue, and if the affirmative loses the issue in the debate, the judge must vote 'negative'." (I.7)

The traditional prohibition against "new arguments in rebuttal" is elaborated: "[N]ew constructive lines of argument or ... positions" are prohibited but "new evidence or new positions to address arguments presented in the constructive speeches" are permitted. (I.8)

Full citation of the source must be "orally presented" the first time evidence is read. "Full cite" is defined to include "qualifications, source of publication and date. Page numbers must be available upon request." (I.9)

"Outside assistance," specifically including "suggestions or coaching," is prohibited once a debate has begun. (I.10)

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Judges should "listen to all proofs offered ... and render a decsion based on the clash in the debate uninfluenced" by any "preconceptions." (I.15) The decision "should not [be] reveal[ed] ... to debaters or other coaches until the end of the prelims." (I.16) Judges should avoid profanity (I.12) and negative feedback (I.15), and "may not read any material introduced into the round ... unless one team has charged that evidence used by its opponent was fabricated, distorted, or misrepresented or the Judge believes that evidence read or referred to in the second affirmative rebuttal was misrepresented in that speech." (I.9)

The Judge shall "write a ballot" and submit it to the tab room in a timely fashion. Consistent with "time constraints" and the prohibition against revealing decisions, "oral critiques ... are encouraged." (I.15)

Rules Governing Tournament Administration. Tournament directors shall comply with the appropriate AFA Code (II.1), announce compliance with ADA rules in their invitations (II.2), enforce a fifteen minute forfeiture rule (II.5) and preserve the secrecy of preliminary round decisions (II.4). Of greatest significance, they shall employ a "'random' method of judge placement." By this is meant that, after application of the usual preclusions, "[j]udges will be assigned to debates in accordance with some predetermined, mathematical order. A Judge will hear the first debate he/she is eligible to hear."

Rules Governing Eligibility. Competition is divided into three categories: varsity, junior varsity and novice. Eligibility for each is determined by the extent of previous years' competition.7 (III.3) Transfer students are eligible as long as AFA standards are observed (III.1) and coaches are to "avoid attempts to lure debaters from active four-year college debate programs and into their own." (III.2) The ADA has no eligibility requirements for judges.

Rules Establishing an Enforcement Mechanism. Violations by debaters are to be penalized at the discretion of the judge in a particular round. (IV.1) "Judges/coaches" may, "after investigation by an ad hoc group commissioned by the ADA President," be reprimanded by letter, "with copies sent to appropriate school officials ... or be barred from judging at ADA tournaments." (IV.2) After similar investigation, schools violating rules governing tournament administration are subject to a range of sanctions including letters of reprimand and debarment from further participation in the ADA. (IV.3,4) Due process requirements include separate investigative and appellate panels. (IV.5)

Rules Providing Criteria for Sweepstakes Awards. Only member schools shall be eligible to win "sweepstakes awards," which shall be given by division and in a "'grand sweepstakes' category." (V.1,3) A school's best ten records, but no more than two in any given tournament, will be computed according to a detailed schedule. (V.2,4-8)